



SNOHOMISH COUNTY SHERIFF'S OFFICE

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John Lovick, Sheriff

April 28, 2011

Clerk of the Supreme Court
Temple of Justice
Post Office Box 40929
Olympia, WA 98504-0929

Dear Justices of the Supreme Court;

The Snohomish County Sheriff's Office (SCSO) would like to express its concerns regarding the adoption of proposed rules CrR 4.11 and CrRLJ 4.11. We are concerned that the adoption of these rules will have a negative impact on the rights of crime victims and law enforcement procedures. We hope you will give these concerns due consideration during this public comment period.

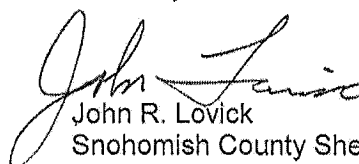
Article I, Section 35 of the Washington State Constitution, provides victims with several basic and fundamental rights, including the right to participate in a meaningful way in the criminal justice process and to be given "due dignity and respect." SCSO considers it one of its paramount duties to treat crime victims with dignity and respect at all times. Respecting a crime victim's right to consent to recording is consistent with our constitutional mandate. Conversely, requiring a victim to submit to a recorded interview undermines a victim's right to make meaningful decisions about his or her participation in the justice system.

The proposed rules do not adequately address the privacy concerns implicated by mandatory interview recording. All parties, including actual perpetrators, will have the ability to obtain copies of these recordings. Allowing a perpetrator to have access to a victim's personal recounting of the details of a crime has the potential to re-victimize an already vulnerable victim. Particularly concerning is the impact on victims of sexual assault and domestic violence who, because of their traumatic experiences, are especially vulnerable. It is also unclear whether these recordings would be available to the general public through the public records act (Chapter 42.56 RCW). In this age of near instant technological dissemination, once an audio recording of this nature is made, it is nearly impossible to adequately protect a victim's privacy interests.

We are also concerned that adoption of CrR 4.11 and CrRLJ 4.11 will negatively impact effective law enforcement. Effective law enforcement depends on the cooperation of witnesses and victims, if witnesses and victims are deterred from agreeing to be interviewed or limit the information they are willing to provide because they are intimidated by the knowledge that their interview will be recorded and disseminated, effective law enforcement will suffer.

For the aforementioned reasons SCSO urges you to not adopt CrR 4.11 and CrRLJ 4.11, as currently drafted.

Sincerely,


John R. Lovick
Snohomish County Sheriff